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Federal Communications Commission
Office of Secretary

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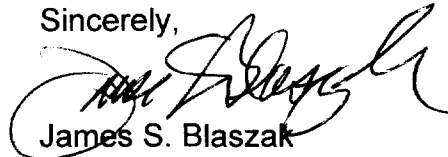
Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M. Street, NW
Washington, D.C. 20554

Re: *Ex parte* presentation in CC Docket No. 94-102.

Dear Mr. Caton:

On behalf of the undersigned representatives of the National Emergency Number Association ("NENA"), Associated Public-Safety Communications Officials - International, Inc. ("APCO"), the National Association of State Nine One One Administrators ("NASNA"), the Ad Hoc Telecommunications Users Committee ("Ad Hoc") and MultiMedia Telecommunications Association ("MMTA") please find the attached proposed settlement agreement of MLTS/E-911 issues raised in the above-referenced proceeding.

Sincerely,



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International, Inc.

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Public Safety – MLTS Industry Consensus
MLTS/E-911 Issues, CC Docket No. 94-102

Representatives of public safety communications organizations (PSCs) met with representatives of Multi-line Telephone Systems ("MLTS") manufacturers and business owners/users of MLTS from September 1996 to February of 1997 to examine possible areas of agreement on MLTS E-911 issues raised in CC Docket 94-102. The representative organizations -- National Emergency Number Association ("NENA"), Associated Public-Safety Communications Officials - International, Inc. ("APCO"), the National Association of State Nine One One Administrators ("NASNA"), the Ad Hoc Telecommunications Users Committee ("Ad Hoc") and MultiMedia Telecommunications Association ("MMTA") -- all have participated in the above-referenced docket through comments and reply comments. The following consensus statement covers issues on which substantial agreement was reached. Where differences exist, they are noted.

While the development of consensus has benefited from the entire record on MLTS issues in the docket, special impetus was provided by the testimony and discussion at the two-day hearing last September. There, PSCs emphasized the particular difficulties for prompt emergency response arising from: (1) the relative isolation of residential units in apartments, condominiums, colleges and boarding schools, etc.; and (2) the occasionally wide dispersion of businesses or schools served by a common MLTS far removed from any of the user locations. Examples were given of emergency responses that failed or were delayed by blocked 9-1-1 calls or dispatch of help to the wrong address.

MLTS manufacturers, distributors and commercial users cautioned, however, that: (1) notwithstanding the examples above regarding specific types of isolated or dispersed locations, the types of locations most commonly served by MLTS are more compact business settings that do not appear to have occasioned substantial, documented emergency response problems; (2) the significant equipment modification, telephone service and database costs of separately identifying and locating calls from MLTS -- which typically forward only the singular number and billing address of the private switch or key system -- may not be warranted by the relatively low volume of 9-1-1 calls from businesses; and (3) employers must be given the flexibility to use adequate alternative means of signaling and responding to emergency situations.

Both PSCs and MLTS providers and users recognized potential benefits in FCC action to address MLTS/E-9-1-1 issues, but from different perspectives. For PSCs, calls from telephone stations served by MLTS should result in Automatic Number Identification (ANI) and Automatic Location Information (ALI) that approximates the information given to Public Safety Answering Points (PSAPs) and emergency responders by single-line residential and business telephone service. Only the FCC is able to order such an outcome nationally. For MLTS providers and users, whatever reasonable

approximations of ANI and ALI -- or their functional alternatives -- are adopted by the FCC, the solution should be national and should preclude inconsistent state and local regulation.

As set forth below, the proposed rules differentiate between business and residential locations served by MLTS. The parties agree that residential MLTS settings pose the most risk for callers and public safety officials responding to an emergency, and therefore MLTS serving permanent residential facilities must associate a distinct ANI/ALI per living unit unless the building served by the MLTS maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Large hotel/motel facilities would be subject to similar requirements but with different compliance dates.

For business locations, the parties agree on a straightforward and practical solution to the E-911 MLTS problem. MLTS serving 40,000 square feet or less of workspace in a single location are required to associate one ANI/ALI with that location. The rules require more ANI/ALI's as the amount of workspace served by one MLTS increases beyond 40,000 square feet, or when the business utilizes a single MLTS to serve different business locations at different street addresses. The parties recognize that many buildings operate internal procedures for signaling and responding to emergencies other than through an ANI/ALI system, and agree that business locations served by such procedures would not be required to reconfigure the MLTS when such procedures are adequate to respond to emergency conditions.

Permanent Residential and Large Hotel/Motel MLTS

Operators of MLTS serving permanent residential and large hotel/motel settings are required to associate at least one distinctive ANI/ALI with each living unit unless the facility maintains, at all times, alternative and adequate means of signaling and responding to emergencies. One such alternative means would be an MLTS feature that provides notifications to an attendant that a 9-1-1 call has been dialed together with an indication to the attendant position as to the source of the call. Operators of MLTS serving small hotel/motel settings are not required to associate more than one ANI/ALI per site.¹

Business Locations Served By MLTS

Level One Business Locations are defined as MLTS serving a single building of 40,000 square feet of workspace or less. Level One Business Locations are not required to associate more than one ANI/ALI with such systems. Examples of such MLTS would include systems that serve only:

¹ This assumes that most small hotel/motel settings will meet the criteria of Level 1 businesses or will have an office as a point of contact for emergency responders.

- A single-level building of no more than 40,000 (forty thousand) square feet of workspace having its own public street address,
- A workplace occupying no more than 40,000 (forty thousand) square feet of workspace in a multi-level building having its own public street address.

Level Two Business Locations are defined as MLTS serving a single location of more than 40,000 square feet of workspace. Level Two Business Locations are required to associate one distinctive ANI/ALI per 40,000 square feet of workspace, unless the building served by the MLTS provides alternative and adequate means of signaling and responding to emergencies during ordinary work hours. One satisfactory alternative mechanism, but not the only mechanism, at this level would be an MLTS feature that provides notification to an attendant that a 9-1-1 call has been dialed, together with an indication to the attendant position of the source of the call. The adequacy of alternative means of signaling and responding to emergencies in Level Two Business Locations would be determined by appropriate workplace safety authorities operating pursuant to applicable legal requirements. Examples of Level Two Business Locations include the following:

- Workplace “campuses” or “parks”. MLTS that serve settings in which there are separate buildings having a common public street address. Each separate building must have a distinctive ANI/ALI, regardless of workspace size. Each office or building of more than 40,000 square feet of workspace that does not provide alternative and adequate means of signaling and responding to emergencies must have a distinctive ANI/ALI associated per 40,000 square feet of workspace.²
- A workplace occupying more than 40,000 square feet of workspace in a multi-level building having its own public street address must have a distinctive ANI/ALI associated per 40,000 square feet of workspace unless the building provides alternative and adequate means of signaling and responding to emergencies. Thus, an employer occupying 50,000 square feet of workspace would be required to associate two ANI/ALI’s with that workspace and an employer occupying 81,000 square feet of workspace would be required to associate three ANI/ALI’s with that workspace.³

² Level Two and Level Three businesses include non-residential schools.

³ The parties agree that the MLTS owner/operator, and not the Commission’s rules, should decide the means by which workspace comprising more than 40,000 square feet is to be differentiated among ANI/ALI.

- A single-level building of more than 40,000 square feet of workspace having its own public street address must have a distinctive ANI/ALI associated per 40,000 square feet of workspace unless the building provides alternative and adequate means of signaling and responding to emergencies.

Level Three Business Locations are defined as MLTS serving multiple business locations of a single employer with separate public street addresses (*e.g.*, “off-premises extension,” or “OPX”) or MLTS serving shared business tenants in a common building. Level Three Business Locations must comply with the following rules:

- a. For an MLTS serving multiple business locations of one employer with separate street addresses, the MLTS must associate one distinct ALI/ANI per 40,000 square feet of workspace for each separate building served by the MLTS, unless the building served by the MLTS maintains, at all times, alternative and adequate means of signaling and responding to emergencies. As with Level Two business locations, appropriate workplace safety authorities operating pursuant to applicable legal requirements would determine the adequacy of alternative means of signaling and responding to emergencies.
- b. For an MLTS serving multiple business tenants at one location (*i.e.*, shared tenant MLTS), the MLTS must associate a distinct ANI/ALI for each separate business tenant served by the MLTS, unless the building served by the MLTS maintains, at all times, alternative and adequate means of signaling and responding to emergencies.⁴

General provisions

1. **Compliance Dates.** The compliance dates for MLTS would vary depending upon the type of facility served by the MLTS as set forth below.

A. Permanent Residential

The parties disagree, or have taken no position, regarding the compliance date(s) for MLTS equipment serving permanent residential facilities. The public safety organizations propose that MLTS serving permanent residential facilities comply with the Commission’s rules within one (1) year of the Effective Date, regardless of the date of installation of the MLTS.⁵ MMTA proposes that: (1) MLTS installed two

⁴ MMTA disagrees with the recommendation regarding treatment of shared tenant MLTS. MMTA’s position is that MLTS serving a single business location of 40,000 square feet of workspace or less should be subject to the Level One requirements regardless of whether such MLTS serves one tenant or multiple tenants.

⁵ The Effective Date is defined as 60 days after Federal Register publication of the Commission’s final rules, on the assumption that the rules would be considered “major” (as were the wireless

(2) years or more after the Effective Date should comply with the rules at the time of installation; and (2) MLTS installed earlier than two (2) years after the Effective Date should be brought into compliance within three (3) years from the Effective Date. Ad Hoc takes no position regarding the compliance dates for permanent residential MLTS.

B. Large Hotel/Motel Facilities

The parties agree that MLTS installed earlier than two (2) years after the Effective Date should be brought into compliance within seven (7) years from the Effective Date. MLTS installed two (2) or more years after the Effective Date should comply with the rules at the time of installation.

C. Business Locations

(i) Level Two

The parties agree that MLTS installed earlier than two (2) years after the Effective Date should be brought into compliance within seven (7) years from the Effective Date. MLTS installed two (2) or more years after the Effective Date should comply with the rules at the time of installation.

(ii) Level Three

The parties agree that MLTS installed earlier than two (2) years after the Effective Date should be brought into compliance within three (3) years from the Effective Date. MLTS installed (2) two or more years after the Effective Date should comply with the rules at the time of installation.

2. Preemption

Inconsistent state and local regulation of MLTS is preempted upon the Effective Date of the Commission's rules.⁶

3. Call-backs

MLTS do not need to include the capability to receive "call backs" to the specific ANI/ALI associated with the calling number from public safety personnel, but the MLTS must provide a number associated with the MLTS to receive return calls from public safety personnel.

compatibility regulations issued earlier in this docket) under the Contract with America Advancement Act of 1996 (P.L. 104-121), especially new Chapter 8 of Title 5, United States Code added thereby.

⁶ APCO takes no position as to FCC preemption of inconsistent state and local regulation of MLTS.

4. Exceptions

This section does not apply where E911 and ANI and ALI features are not in operation or available. Waiver is available to MLTS owners who can demonstrate that reasonable means do not exist for connecting their equipment to the public switched telephone network to transmit multiple ANI/ALIs.

Nothing in this section is intended to relieve employers of their obligations under federal and state workplace occupational safety and health statutes and rules.

5. Dialing Pattern

The Commission's rules are not intended to require changes in customary dialing patterns (e.g., prefix 9, then 9-1-1).

Submitted by:

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